

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LAMONT MILLER,

*Plaintiff,*

v.

CITY OF PHILADELPHIA, et al.,

*Defendants.*

CIVIL ACTION  
NO. 18-1443

**ORDER**

**AND NOW**, this 7th day of August, 2024, upon consideration of Plaintiff's Amended Complaint (ECF No. 22), Defendants' Motions to Dismiss (ECF Nos. 24, 25, and 26), Plaintiff's Responses (ECF No. 27, 28 and 29), and Defendant Otto's Reply (ECF No. 30), it is hereby **ORDERED** as follows:

1. Otto's motion (ECF No. 24) is **GRANTED** and all claims against him are **DISMISSED** with prejudice.
2. As to the Officer Defendants and City's motions (ECF Nos. 25, 26), Count I, to the extent it is based on claims for an unlawful search, false arrest and false imprisonment, is **DISMISSED** with prejudice. Count II is **DISMISSED** without prejudice to the extent it is based on a due process claim. However, the equal protection claim is **DISMISSED** with prejudice. Count IV, to the extent it is based on a conspiracy other than to commit malicious prosecution, is **DISMISSED** with prejudice.
3. The City's motion is **DENIED** as to Count V.
4. Counts VI (state law false imprisonment) and VIII (intentional infliction of emotional distress) are **DISMISSED** with prejudice.
5. Count IX is **DISMISSED** to the extent it seeks money damages and is based on claims already dismissed

Miller may file an amended complaint, consistent with the accompanying Memorandum, on or before **August 23, 2024**.

BY THE COURT:

/s/ Gerald J. Pappert  
Gerald J. Pappert, J.